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## B I L L

FOR

Dealing with Elective Councils and the Government  
of Counties in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

A.D. 1894.

1. From and after the *first day of November next*, there shall be in every county in Ireland a County Council, to be constituted in manner herein-after mentioned.

Councils established in each county.

2. On the *first Monday in October* in this present year, and on the same Monday in every succeeding year, the ratepayers of each barony, shall elect in manner herein-after mentioned, three fit and proper persons to be members of such County Council.

Each barony to elect three.

3. Every person whose name appears on the last rate for the relief of the poor in any poorlaw union situate wholly or in part within any barony as the occupier of premises within any barony shall be deemed, for the purpose of the first election of County Councils under this Act, to be a ratepayer of such barony within the meaning of this Act. For the purpose of all subsequent elections of County Councils under this Act, every occupier who, under the last rate made pursuant to this Act, shall have paid or contributed, or shall be liable to pay or contribute, rate, and who shall not be entitled to deduct the whole of such rate from the rent payable by him, and every landlord receiving in respect of any rateable property, rent liable to any deduction on account of any such rate, shall be deemed a ratepayer for the purposes of this Act : Provided that no such occupier shall be entitled to vote under the provisions of this Act, unless he shall have paid all rates previously made and assessed upon him, pursuant to the provisions of this Act, except such as shall have been made or become due within the six calendar months immediately preceding such voting : Provided further that a person entitled to vote under this section as an occupier shall not be entitled to vote as a landlord receiving rent liable to deductions on account of rate. After the first election of

Every person rated on last rate to vote at first election.

Subsequent elections.

[Bill 90.]

A

A.D. 1864.

County Councils held under this Act, the clerk to the County Council of each county, shall prepare annually a list of persons entitled to vote at the next election to the County Council. Said list shall be published and revised as the County Council by law may direct, provided that the names of the voters shall be registered 5 alphabetically and by baronies. Every person qualified to vote shall be entitled to vote for a number of Candidates equal to the number of members to be returned at the time of such election by the barony in which he votes, but not more than one vote shall be given for any candidate.

10

Election regulations.

4. On the *first Monday in October* the election for each barony shall be held in the place in which the presentment sessions of the barony are at present held, and the high constable of the barony shall, at the first election under this Act, be the returning officer. All future baronial elections shall be held at such places and by 15 such returning officer as the Council of the county may appoint.

Mode of nomination.

5. Any two ratepayers of the barony may, at any time between twelve and two of the clock on the day of election, by a nomination paper signed by them and delivered to the returning officer, nominate one person or two or three persons to be elected to the County Council. 20 If no more than three persons are so nominated, the returning officer shall declare the three persons so nominated elected. If more than three persons are nominated, a poll shall be taken, and the poll shall be conducted in the manner provided for municipal elections by the Ballot Act, 1872, or any Acts amending the same; and all the 25 clauses and provisions of the said Acts, unless where they are inconsistent with this Act, shall apply to the elections hereby directed to be held. The expenses of the returning officer shall be defrayed out of the rates.

Appointment of polling places.

6. At the first election, the polling shall be at the place in which 30 the presentment sessions for the barony are at present held. At all succeeding elections, the County Councils shall have power to appoint other polling places for each barony, and the regulations herein made for the first election shall continue in force until the County Council shall have made bylaws regulating such 35 elections.

Councils to be corporations.

7. The several persons so elected and appointed shall, on and after the *first day of November* in each year, be and form the Council of the county for the ensuing year. The Council so elected shall have perpetual succession, by the name and title of the 40 Council of the county for which they are elected. They shall be capable of suing and of being sued, shall have a common seal, be

capable of acquiring, holding, and occupying land, have the power of making byelaws, and have and enjoy all such rights and powers, and be subject to such restrictions as by law apply to municipal bodies corporate. A.D. 1884.

- 5 8. From and after the said *first day of November*, the Council of each county shall be capable of exercising and shall have and exercise all such powers, duties, and authorities as are now vested in the grand jury for each county, in relation to the execution of any public work, or the levying of any cess, rate, or tax, and the  
10 making of any orders, or the making of any appointment, and generally they may do all such matters, acts, and things as may now be lawfully done by the grand jury of any county, except the finding of bills of indictment. The council of every maritime county shall have power to nominate representatives to every  
15 harbour board, port and docks board, or improvement board or commission in such county, in a proportion to be fixed, from time to time, by the Privy Council to the Lord Lieutenant of Ireland.

*Powers of Council.*

9. The County Council for every county shall at the meeting of such Council which shall take place next before the first day of  
20 December in every year, select three persons qualified to fill the office of sheriff for such county, and shall, within fourteen days thereafter, notify to the Lord Lieutenant of Ireland the names of the persons so selected, and the Lord Lieutenant shall within seven days from the receipt by him of such notification appoint one of  
25 the persons so selected to execute the office of sheriff for such county, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and the person so appointed shall on the ensuing *first day of January*, or so soon thereafter as he shall have taken the oaths now  
30 required by law, have and exercise the said office of sheriff until his successor shall have been appointed and likewise taken the oaths required by law.

*Nomination of Sheriffs.*

- In case any County Council shall in any year neglect or refuse to select three persons qualified to fill the office of sheriff, and to notify  
35 the names of the persons so selected to the Lord Lieutenant on the day or within the time, and in manner provided by this Act, it shall be lawful for the Lord Lieutenant at any time before the *sixteenth day of December* then next ensuing to appoint a fit person to be such sheriff, and every person so appointed shall, as soon as he shall  
40 have taken the oaths now required by law, have and exercise all the powers, privileges and duties pertaining to a sheriff appointed under this Act.

A.D. 1884.

If any person appointed sheriff under this Act shall become incapable of acting before he enters on his office, or shall die or be superseded, the Council to which the appointment of such sheriff belongs shall within one week after notice of the sheriff being superseded, or of a vacancy, death or incapacity as aforesaid, at a meeting duly convened for that purpose select three persons qualified to fill the said vacancy, and shall, within seven days thereafter, notify to the Lord Lieutenant the names of the persons so selected, and the Lord Lieutenant shall within seven days from the receipt by him of such notification, appoint one of the persons so selected to fill the said vacancy, or to be in the room of the person who has died or been superseded or become incapable.

A person shall not by reason of being appointed sheriff for any county be disqualified from being a member of the Council for such county; nor shall a person be disqualified from being appointed sheriff for any county by reason of his being a member of the County Council for such county.

Appointments  
of Justices.

10. The Council of any county may from time to time (as to such Council may seem necessary), nominate and appoint any fit person or persons, residing in such county, and not subject to any legal incapacity to act as and be a justice or justices of the peace for such county and to keep the peace in such county; and every such person when so appointed, shall be, and shall have and exercise all the powers, functions, and authorities of a justice of the peace for such county, in all respects as if he were appointed and assigned to keep the peace in Her Majesty's Commission of the Peace for such county: Provided that when the number of persons resident in any Petty Sessions District in a county so appointed as justices by the Council for such county shall amount to four, such Council shall not appoint any additional person resident in such district to be a justice so long as such four persons continue to be justices of the peace for such county, and to reside in such district.

Appointments  
of petty  
sessions  
clerks.

11. From and after the *first day of November, one thousand eight hundred and eighty-four*, all the powers and authorities, vested by the seventh section of the Petty Sessions Clerks (Ireland) Act, 1858, in the justices therein mentioned, shall cease to be vested in such justices, and shall vest in and be exercised only by the County Council for the county in which any such petty sessions district is situate; Provided that, if said district is situate in more counties than one, then, and in such case, the powers aforesaid shall vest in and be exercised by the County Council for that county within which the larger proportion of said district is situate; provided

further, that in any borough in which within the meaning of the Act of the third and fourth years of Her Majesty, chapter 108, a commission of the peace has been or shall be granted, and in and for which borough petty sessions are and shall be holden, then and in such case, the powers aforesaid shall vest in and be exercised by the municipal council for such borough.

12. The Council of each county shall assemble on the first Monday in the month of November one thousand eight hundred and eighty-four, and on the first Monday of November in each succeeding year. Their first meeting shall be held at noon in the grand jury room of the county courthouse, and their subsequent meetings at such place in the county and on such days as they may from time to time appoint.

13. They shall at their first meeting in each year elect a member of the Council to be chairman, and another to be vice-chairman for the ensuing year, and may at any meeting duly convened, fill up a vacancy arising in either of such offices. The presiding officer of the Council shall have an additional or casting vote in case of an equality of votes at the Council.

14. They shall appoint, in addition to a secretary, such and so many other officers as may be necessary for the transaction of the business of the Council, with such reasonable salary as they may think fit. All officers appointed by the Council shall be removable by the Council, and no person shall be appointed a county or district surveyor except a person qualified to fill such office under the provisions of a statute passed in the twenty-sixth year of the reign of Her present Majesty, intituled "An Act for making better provision for the appointment of county surveyors in Ireland."

15. Any person or banking company filling at the time of the first meeting of the County Council, the office of treasurer of the county, shall continue to hold such office at the same salary and with the same tenure of office, until a new appointment is made by the County Council; and upon any vacancy occurring in the office of treasurer, the County Council shall make provision for the discharge of the duties of such office as the grand jury are now empowered and required by law to do.

16. The County Council shall, at their meeting in the month of November in each year, nominate and appoint out of their body a finance committee, of not less than seven, and not more than twelve, which shall meet from time to time as they shall think fit, and as the County Council may appoint. They shall examine into all applications for public works, and, if they shall think it expedient,

A.D. 1884.

Meetings of Council.

Chairman and vice-chairman to be elected.

Appointment of officers.

Treasurer of county to continue in office.

Election and duties of finance committee.

- A.D. 1884. they shall report their opinions thereon to the County Council; they shall, as far as may be practicable or necessary, investigate the progress of all contracts for public works, and call for and receive the reports of all officers in relation to same. They shall, when authorised by any resolution of the County Council, make payments 5 on account of same, and generally do all such acts for the transaction of business as the County Council may by any byelaw direct.
- Chairman of finance committee to be appointed. 17. The County Council shall from time to time appoint a fit and proper person, being a member of the finance committee, to be 10 chairman thereof, and to discharge such duties as they may by any byelaw duly made in that behalf annex to such office; and if they shall so think fit, they may fix such reasonable salary to be paid to such chairman as they may think fit.
- Orders to be made at meetings of Council. 18. The County Council may, at any meeting duly convened, 15 make any order for the execution of any work, or the granting of any money for same, for which the grand jury of the county might lawfully have made a presentment if this Act had not been passed.
- County rate to be struck. 19. At the first meeting of the County Council in *December* in 20 each year, or such other time as the Council may determine, they shall make an estimate of all sums of money which they shall be then authorised or required to raise, either from any barony in the county, or from the county at large; and they shall appoint and assess the sums to be levied on each barony in the county, and they 25 shall ascertain the proportion of the entire sum to be raised which shall be chargeable on each barony of the county, and shall appoint and strike upon each barony a poundage rate, to be called the county rate, to be equally assessed upon all the lands, tenements, and hereditaments rated to the relief of the poor within such barony; 30 and such rate shall be levied on the said several lands, tenements, and hereditaments as one county rate, apportionable between the landlord and tenant in the manner directed by the Act 33 & 34 Vict. c. 46, and any Act amending the same.
- Recovery of county rate. 20. Every such county rate shall be recoverable by the same 35 means in all respects as the county cess is now by law recoverable by distress or otherwise, and shall also be a debt due to the County Council by the person liable to pay same, to be recovered by them by action or otherwise, as debts may be recovered by due process of law.
- Monies to be paid to credit of county fund. 21. All rates collected under the authority of this Act, and all 40 moneys which shall be payable to the County Council, shall be paid to the treasurer, or to the banking company acting as treasurer,

of a fund to be called the county fund; and no money shall be paid except upon a resolution of the County Council, or county finance committee, and a draft signed by three or more members in such manner as the County Council may direct.

A.D. 1881

- 5 22. And whereas it is expedient to place the management of the sums received for lunatic asylums under the control of the representatives of the taxpayers: From and after the *first day of January* next all the powers of the present governors of any lunatic asylum supported wholly or in part by grand jury presentment, shall cease  
10 and determine.

Provisions as to lunatic asylums.

23. It shall be lawful for the Privy Council to fix and determine the number of governors which shall in future be appointed for each such lunatic asylum. Of such governors, one-fourth of the number, and no more, shall be appointed by the lord-lieutenant,  
15 any law, statute, or usage to the contrary notwithstanding, and three-fourths annually by the councils of the contributory counties.

Privy Council to determine number of governors.

24. In any case in which the expense of such lunatic asylum is borne partly by one county, and partly by another, or partly by a county and partly by a county of a city or town, the order of the  
20 Privy Council from time to time shall also determine the proportion of elected governors which shall be chosen by each council of the contributory counties, or by the town council of such city or town, having regard to the amount contributed by each such county or town to the expense of such asylum.

Provisions where more than one county contributes.

- 25 25. Any vacancy in the office of governor of such lunatic asylum shall be filled up in the same manner as the person was appointed by whose ceasing to be a governor the vacancy shall have been  
caused.

Vacancies in office of governor to be filled up.

26. From and after the *first day of November*, one thousand  
30 *eight hundred and eighty-four*, all property, of what nature or kind whatsoever, which is now held by the grand jury of any county or by any one in trust for them, or which is or is declared to be vested in any county, or in any body in trust for such county, shall be, and become the property of the council of such county.

Property of grand juries to vest in councils.

- 35 27. No contract heretofore entered into by or with any grand jury, or by any one on their behalf, shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the County Council shall, as  
40 to all such contracts and rights and liabilities, be in the same position as if this contract had been made by or with them, or in

Contracts to continue in force.

- A.D. 1884. — trust for them, instead of the grand jury, and they shall have, in relation to all such contracts and matters, the same powers, rights, and liabilities as any grand jury would have had if this Act had not been passed; and all arrears of any rate levied by grand jury presentment, and which shall be unpaid on the first day of 5 November next, shall vest in and be the property of the County Council, and shall be recoverable by them in the same manner in all respects as any rate or rates imposed by them under the authority of this Act.
- Duties of Council. 28. The County Council of every county shall be bound to do 10 and perform the following things :  
 To assess, levy, and pay all such moneys as by any law the grand jury, whose powers are transferred to them, would have been obliged to assess, levy, or pay :  
 To keep all the public roads, bridges, and highways of the county, 15 in good and sufficient order and repair :  
 To keep, provide, and maintain all such court-houses, gaols, prisons, bridewells, and houses of correction within the county, as may be necessary for the convenient administration of justice. 20
- Power of Council to make byelaws. 29. In addition to, and not in substitution for any power of making byelaws which may be vested in them by reason of any of the provisions herein-before or herein-after contained, the Council of every county shall have power to make byelaws, not only for the regulation of their own proceedings and of the duties of their 25 officers and servants, but also as to any of the matters herein-after mentioned; and they may, if they think fit, by any such byelaw, impose a penalty not exceeding five pounds for every violation of same; that is to say, they may make byelaws for any of the following purposes : 30  
 For the regulation of all contracts for public works to be paid for by county rate, and of the execution of any works undertaken in pursuance of same :  
 For the better regulation of the roads within the county, and of the traffic on same, and for the prevention of nuisance or 35 obstruction in any manner interfering with the safe and convenient use of such roads :  
 For the regulation of the election of the persons to be chosen by the ratepayers of each barony, as members of the County Council, in the following respects; that is to say, 40  
 Fixing the person to act as returning officer :



Determining the place of election, and the number and situation of polling places : A.D. 1894.

Regulating the notice to be given of such elections :

Preparing, revising, and publishing of voters lists.

- 5 Provided always, that such byelaws shall not be inconsistent with this Act, or contrary to the general laws of the realm; but nothing in this section contained, shall be construed to weaken or take away any right or power of making byelaws which the County Council would have, if this section were not contained in this Act.

- 10 30. Immediately on any byelaw being passed by the County Council, same shall be printed, and a printed copy shall be kept in the office of the Council to be inspected by any one who shall desire to inspect same; and printed copies shall be sent to the chairman and clerk of every board of guardians within the county, and also  
15 to the mayor and town clerk of every town corporate, and also to the chairman of all town and municipal commissioners of any town within the county; and a copy under the seal of the County Council shall be sent to the clerk of the peace for such county; and a printed copy shall be given at a reasonable price to any person who  
20 shall apply at the office of the Council for the same.

Byelaws to be printed and circulated.

31. All penalties imposed by any byelaw shall be recoverable summarily before a justice or justices, subject to the provisions of the Petty Sessions (Ireland) Act, 1851.

Penalties to be recovered.

- 25 32. All penalties imposed at any petty sessions held within the county, whether for offences against any byelaw or under any law or statute, shall, unless so far as same are payable to any private individual, be paid over to the county treasurer for the use of the county fund.

Application of penalties.

- 30 33. No member of the County Council, nor any of their officers or servants, shall be directly or indirectly concerned in or have any interest in any contract for any work, or the supply of any matter or thing to be paid for out of the county fund, and no member of the Council shall be appointed to or hold any office or place of profit under the Council, and if any member of the Council shall  
35 offend herein, he shall be incapable of continuing a member of the Council, and his place in same shall become vacant; and he shall be liable to a penalty of one hundred pounds, to be recovered, with full costs of suit, in an action in any one of the superior courts of common law at suit of the Council.

Members of Council, &c., not to be interested in any contract, or hold any office of profit under the Council.

- 40 But nothing in this section contained shall prevent any County Council (should it by byelaw so determine) from paying to its

Traveling expenses.

A.D. 1884.

Mandamus  
to lie to  
Council, and  
orders re-  
movable by  
certiorari.

Remedies  
against  
Council.

Powers of  
grand juries  
as to fiscal  
business  
abolished.

Repeal of  
twenty-ninth  
and thirty-

members their reasonable travelling expenses in going to or returning from the meetings of the Council or of the Finance Committee; provided that no member shall receive more than *two pounds sterling* for attending any one meeting nor more than *twelve pounds sterling* in any one year for all such attendances in that year. 5

34. If the County Council shall refuse or neglect to make any order for the payment or assessment of money or performance of any work, which by law they are bound to make or do, any ratepayer of the barony may apply to the Court of Queen's Bench for a mandamus to compel them to make such order or execute such 10 work. Any byelaw made by the County Council, or any order made by them for the execution of any public work or the payment of any money may be removed by certiorari into the Court of Queen's Bench, in the same manner as presentments may now be removed, and may, if in any respects contrary to law, be quashed 15 by such court.

35. Any order made by any County Council may, if contrary to law, be removed on certiorari to the Queen's Bench of the High Court of Justice in Ireland for the purpose of being quashed. No such order shall be so removed, except within three months after 20 same shall have been made, nor unless notice in writing of the application to remove same shall have been left at the office of the clerk to such Council at least fourteen days before such application is made. No such application shall be made except by some person entitled to vote at the election of such County Council, and 25 the notice aforesaid shall set forth the name, address, and description of such applicant, together with the day upon which it is intended to make such application and the grounds thereof. Thereupon, it shall be lawful for such Council to show cause against such application. 30

36. From and after the *first day of November next*, it shall not be lawful for any grand jury of any county, county of a city, or county of a town in Ireland to make any presentment for the levying of any cess, rate, or tax, or for the execution of any further work or any other matter relating in any way to the control or 35 management of any fiscal business of the said county; and from and after that day, all the powers and duties of the grand jury of any county, county of a city, or county of a town, in relation to presenting and levying of rates or cesses, or any of the matters aforesaid, shall absolutely cease and determine. 40

37. From and after the said day, the twenty-ninth and thirty-first sections of an Act passed in the seventh year of the reign of His

- late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by Grand Juries in Ireland," herein-after called the Grand Jury Act, shall be and the same are hereby repealed, and the grand jury of every county shall be elected, summoned, and sworn as if that Act had not been passed. From and after the said day it shall not be necessary to serve the notices referred to in the one hundred and fifteenth section of said Act, on the high constable, churchwardens, or inhabitants, as therein prescribed, but in lieu thereof a copy of each such notice shall be published in some newspaper circulating in the district within which the offence therein referred to was committed, at least ten days previous to the first day of the sitting of the Council at which the application therein referred to is to be heard.
- 15 38. *From and after the passing of this Act*, the second and third sections of an Act passed in the eighth year of the reign of Her Majesty, intituled "An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin," shall be and the same are hereby repealed.
- 20 39. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, at the recommendations of the Council for the county which requests such alteration to be made.
- 25 40. No act done by the County Council shall be invalid by reason of any casual vacancy in such Council, and all vacancies, unless otherwise in this Act provided for, shall be filled up as the Council shall determine by byelaw.
41. This Act shall apply to Ireland only, and may be cited for all purposes as the *Elective Councils (Ireland) Act, 1884.*

A.D. 1884.

First clause of General Grand Jury Act.

Repeal of second and third sections of special Act for county Dublin.

Dates may be altered.

Casual vacancies.

Application and short title.

Elective Councils and  
County Government  
(Ireland).

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B I L L

For dealing with Elective Councils and  
the Government of Counties in Ire-  
land.

(Prepared and brought in by  
Mr. Lyne, Mr. Jacob McCarty, Mr. Hooley,  
Mr. Donnelly, and Mr. Serrin.)

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